

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 262 – SB 405**

March 18, 2023

**SUMMARY OF BILL:** Requires all elections for state or local public office, or for school board members, be partisan. Mandates that judges of the supreme court, court of appeals, or court of criminal appeals that are standing for election in a retention election declare membership in a political party or independent status at least 30 days prior to the election. Applies to elections on or after January 1, 2024.

**FISCAL IMPACT:**

**Increase Local Expenditures –**

**\$66,400/FY23-24**  
**\$702,500/FY24-25 and Every Four Years Thereafter\***  
**\$488,600/FY25-26 and Every Four Years Thereafter\***  
**\$609,900/FY26-27 and Every Four Years Thereafter\***  
**\$3,355,000/FY27-28 and Every Four Years Thereafter\***

**Assumptions:**

- According to information gathered from county election commissions by the Secretary of State's office, there are 59 municipalities and one metropolitan form of government that have general elections that do not occur at a time that coincides with an August or November election, and which have no other municipal or state elections prior to their general election on which a potential primary could be included on the ballot.
- Pursuant to Tenn. Code Ann. § 2-13-203(e)(3), primaries for nominating candidates for any office which will appear on the regular August election ballot must be held on the first Tuesday in May before the August election, or the same day as a presidential preference primary.
- Therefore, these 59 municipalities and one metropolitan area would have to create a partisan primary election on dates that are separate from any of their other elections.
- The creation of these additional elections would result in an estimated increase in local expenditures of \$4,844,610 over the course of four years.
- For other municipalities which have general elections that coincide with regular August or November elections, there will still be an increase in local expenditures of \$311,257 over the next four years due to adding city primaries to election day ballots.
- Therefore, the total recurring increase in local expenditures will be \$5,155,867 (\$4,844,610 + \$311,257) over the course of four years.

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- Due to county election commissions' differing election schedules, the increase in local expenditures for January 1 through July 1 of FY23-24 will be \$66,395, and will then be \$702,466 in FY24-25 and every four years thereafter, \$488,546 in FY25-26 and every four years thereafter, \$609,879 in FY26-27 and every four years thereafter, and \$3,354,995 in FY27-28 and every four years thereafter.
- If more municipalities choose to move their election days to coincide with general or county elections then, expenditures would likely decrease.
- In the event that a municipality has no contested primaries for a general election, or political parties choose to nominate candidates by means other than primary election, expenditures would also likely decrease.
- It is assumed that requiring certain judges to declare political party affiliation will not have a significant impact on the number of individuals seeking election and will have no significant fiscal impact to state or local governments.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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